

Order

Michigan Supreme Court
Lansing, Michigan

October 27, 2021

Bridget M. McCormack,
Chief Justice

162777 & (39)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162777
COA: 352517
Saginaw CC: 17-043726-FC

ALEXIS CHRISTINE WELSH,
Defendant-Appellant.

By order of July 6, 2021, the prosecuting attorney was directed to answer the application for leave to appeal the February 18, 2021 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered, and we direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

We further ORDER the Saginaw Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

The appellant shall file a supplemental brief within 42 days of the date of the order appointing counsel or by January 31, 2022, whichever is later, addressing: (1) whether the trial court reversibly erred by instructing the jury that the doctrine of transferred intent may apply to a conspiracy charge; and (2) whether the trial court considered acquitted conduct in determining the appellant's sentence in violation of *People v Beck*, 504 Mich 605 (2019). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers. The motion for reconsideration of the July 6, 2021 order directing a prosecutor's response is DENIED.

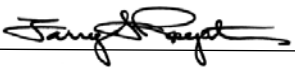
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



m1020

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2021


Clerk